

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LIGHTHOUSE COMMUNITY CHURCH OF  
GOD,

Plaintiff, CIVIL CASE NO. 05-40220

v.

CITY OF SOUTHFIELD, et al.,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendants.  
\_\_\_\_\_

**ORDER DENYING PLAINTIFF'S MOTION FOR SANCTIONS**

Before the Court is Plaintiff's motion for sanctions, first filed on July 14, 2006. Defendants' response was held in abeyance pending resolution of certain motions for summary judgment. On January 3, 2007, the Court issued an order resolving the motions for summary judgment, and set out a briefing schedule for responses to the motion for sanctions. Defendants' response and Plaintiff's reply have now been filed.

In its motion, Plaintiff argues that sanctions against Defendants are appropriate under Federal Rule of Civil Procedure 11. In particular, Plaintiff argues that certain arguments made by Defendants in their motion for summary judgment concerning ripeness, the *Heck* doctrine, and the Religious Land Use and Institutionalized Persons Act are arguments that are not well-grounded in fact or in law. Because these arguments by Defendants are allegedly frivolous, Plaintiff argues that Rule 11 sanctions against Defendants are appropriate.

In their response, Defendants argue that the arguments put forward in Defendants' summary judgment motion are not unreasonable or frivolous, contrary to Plaintiff's allegations. Furthermore, Defendants argue that it is Plaintiff, not Defendants, who are acting unreasonably by frivolously

filing the motion for sanctions. Defendants thus request that Plaintiff's motion be denied and that sanctions be imposed on Plaintiff instead.

Having reviewed all relevant submissions made by the parties, and the Court being otherwise fully advised in the premises, the Court denies Plaintiff's motion for sanctions. In particular, the Court finds that the arguments put forward by Defendants are not completely frivolous arguments with no factual or legal basis. The Court also denies Defendants' request for sanctions, finding that the circumstances do not dictate an imposition of sanctions upon Plaintiff.

The Court reminds counsel for both parties that they are required to abide by the Civility Principles of the United States District Court for the Eastern District of Michigan. Their conduct "should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms." Preamble of the Civility Principles. Counsel for both parties are admonished to review these Civility Principles and to conduct themselves accordingly.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Plaintiff's motion for sanctions [docket entry 102] is **DENIED**.

**SO ORDERED.**

Dated: February 21, 2007

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 21, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Daniel P. Dalton; Michael Q. Hyde; Anne M. McLaughlin; T. Joseph Seward; L. Michael Wicks, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845